

BILL ANALYSIS

C.S.H.B. 696
By: Kleinschmidt
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 25th Judicial District includes Colorado, Gonzales, Guadalupe, and Lavaca Counties. Currently, the voters from Gonzales, Guadalupe, and Lavaca Counties elect a district attorney for the judicial district who represents the state in all three of those counties. However, the commissioners court in Gonzales County has expressed a desire to be served by an independent county attorney with felony jurisdiction. C.S.H.B. 696 seeks to address this issue by removing Gonzales County from the counties served by the district attorney for the 25th Judicial District and by providing for the county attorney of Gonzales County to perform the duties of a district attorney.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 696 amends the Government Code to remove Gonzales County from among the counties in which the district attorney of the 25th Judicial District is responsible for representing the state in district court and to remove the voters of Gonzales County from among the voters that elect the district attorney. The bill requires the county attorney of Gonzales County to perform the duties imposed on district attorneys by general law and grants the county attorney the powers conferred on district attorneys by general law. The bill authorizes the county attorney of Gonzales County or the Commissioners Court of Gonzales County to accept gifts or grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting the operation of the office of county attorney. The bill requires the county attorney to account for and report to the commissioners court all accepted gifts or grants. The bill includes the county attorney of Gonzales County among the state prosecutors who are subject to statutory provisions governing professional prosecutors.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 696 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 43.112, Government

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 43.112, Government

83R 18780

13.86.1150

Substitute Document Number: 83R 16605

Code, is amended to read as follows:
Sec. 43.112. 25TH JUDICIAL DISTRICT. The voters of [~~Gonzales,~~] Guadalupe County [~~, and Lavaca counties~~] elect a district attorney for the 25th Judicial District who represents the state in the [that] district courts in Guadalupe County [~~court only in those counties~~]. In addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in all criminal cases in the district courts in that county [~~those counties~~].

SECTION 2. Subchapter B, Chapter 45, Government Code, is amended.

SECTION 3. Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.243 to read as follows:

Sec. 45.243. LAVACA COUNTY. (a) In Lavaca County, the county attorney of Lavaca County shall perform the duties imposed on and have the powers conferred on district attorneys by general law.

(b) The county attorney of Lavaca County or the Commissioners Court of Lavaca County may accept gifts or grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting the operation of the office of county attorney in Lavaca County. The county attorney shall account for and report to the commissioners court all gifts or grants accepted under this subsection.

SECTION 4. Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th,

Code, is amended to read as follows:
Sec. 43.112. 25TH JUDICIAL DISTRICT. The voters of [~~Gonzales,~~] Guadalupe[, and Lavaca counties] elect a district attorney for the 25th Judicial District who represents the state in the [that] district courts [~~court only~~] in those counties. In addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in all criminal cases in the district courts in those counties.

SECTION 2. Same as introduced version.

No equivalent provision.

SECTION 3. Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 12th, 18th, 21st, 23rd, 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th,

90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 329th, 344th, 349th, 355th, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

SECTION 5. This Act takes effect September 1, 2013.

90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 329th, 344th, 349th, 355th, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Lamar, Lamb, Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

SECTION 4. Same as introduced version.